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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3674 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Order	Court's or Judge's Order

Mr.P.A.Pol for applicant-state.
None for respondents.

CORAM : R.S. MOHITE, J.

DATE : 27TH NOVEMBER, 2007.

P.C. :-

. This is an application for leave to appeal against the Judgment and order passed by the Joint Judicial Magistrate, First Class, Koregaon, Satara on 18th December, 2004 in S.C.C.No.249 of 1997. By the said impugned judgment and order the trial court has acquitted the accused from the charges punishable under section 451, 354, 323,504, 506 read with 34 of the Indian Penal Code. On

perusal of the impugned Judgment and Order, it is found that the same is passed on cogent reasoning. The record indicates that the family of the accused and the family of informant had strained relation and were enemies. The relation between the family of Sadashiv Pawar and the family of accused were also strained. No independent witnesses have been examined. The other eye witnesses Pushpa Nirmal and Chaturabai Pawar were interested witnesses. There was a delay of 24 hours in the filing of the complaint. Medical examination of the injured witness was conducted after two days and the medical evidence was silent about the scratches. It is found that there is no consistency between the ocular and medical evidence. Leave refused. Application dismissed. Consequently appeal papers to be filed.

(R.S. MOHITE, J.)